THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.17513 of 2007

Date: 21.08.2007

Between:
Mohammed Akram

… PETITIONER

AND

The Andhra Pradesh State Wakf Board.

… RESPONDENT

ORDER:

The petitioner claims to be the lineal descendant of his paternal uncle Mohd.Sayeed, son of Gulam Rasool. According to him, Mohd.Sayeed was the Muthawali of a Wakf, by name Maqbera Abdul Qader together with graveyard at Yellandu, Khammam District. The Muthawali is said to have died. The petitioner submitted a representation on 04.03.2005 to the A.P. Wakf Board, the respondent herein, with a prayer to appoint him as Muthawali.

The Wakf Board appointed a committee comprising respondents 2 to 12 herein to manage the Wakf. On an earlier occasion, the petitioner filed W.P.No.19810 of 2005 challenging the appointment of the committee, through proceedings, dated 16.05.2005, to administer the affairs of the Wakf. The writ petition was dismissed as infructuous, since the term of the committee expired. This writ petition is filed with a prayer to restrain the respondent from extending the term of the committee. The petitioner states that his representation, dated 04.03.2005, was not considered so far.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The Wakf Act and the Rules made thereunder prescribe the procedure for appointment of Muthawalies as well as for recognition of their successors. In the instant case, the respondent recognized the paternal uncle of the petitioner, by name Mohd.Sayeed as Muthawali for the Wakf, through notification published in the Gazettee, dated 25.01.1990. It is stated that Mohd.Sayeed died few years ago and petitioner's status, as Muthawali was not recognized, as yet. The petitioner asserts that he alone made the claim for succession. Even assuming that there are any other rival claims, the respondent cannot sit over the matter indefinitely. Objections have to be invited on the application made by the petitioner and the final decision has to be taken without further loss of time. A committee can be appointed or continued only when there is no Muthawali.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to file a fresh application, together with supporting documents, along with the copy of this order before the respondent. The respondent, in turn, shall consider the application that may be filed by the petitioner and pass appropriate orders, within a period of two months from the date of receipt of a copy of this order, in accordance with the relevant provisions of law. Appointment of any committee, in the meanwhile, shall be subject to the outcome of the application of the petitioner.

There shall be no order as to costs.

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21.08.2007

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